

LEGISLATIVE COUNCIL

MINUTES

No. 19

Minutes of the meeting held on Wednesday 21 February 2001 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, JP

The Hon Cyd HO Sau-lan

The Hon Albert HO Chun-yan

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, JP

Dr the Hon David LI Kwok-po, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing

Prof the Hon NG Ching-fai

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-ye, JP

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong
The Hon HUI Cheung-ching

The Hon CHAN Kwok-keung

The Hon CHAN Yuen-han

The Hon Bernard CHAN

The Hon CHAN Kam-lam

The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

The Hon LEUNG Yiu-chung

The Hon SIN Chung-kai

The Hon Andrew WONG Wang-fat, JP

Dr the Hon Philip WONG Yu-hong

The Hon WONG Yung-kan

The Hon Jasper TSANG Yok-sing, JP

The Hon Howard YOUNG, JP

Dr the Hon YEUNG Sum

The Hon YEUNG Yiu-chung

The Hon LAU Chin-shek, JP

The Hon LAU Kong-wah

The Hon LAU Wong-fat, GBS, JP

The Hon Mrs Miriam LAU Kin-yee, JP

The Hon Ambrose LAU Hon-chuen, JP

The Hon Emily LAU Wai-hing, JP

The Hon CHOY So-yuk

The Hon Andrew CHENG Kar-foo

The Hon SZETO Wah

The Hon Timothy FOK Tsun-ting, SBS, JP

The Hon LAW Chi-kwong, JP

The Hon TAM Yiu-chung, GBS, JP

Dr the Hon TANG Siu-tong, JP

The Hon Abraham SHEK Lai-him, JP

The Hon LI Fung-ying, JP

The Hon Henry WU King-cheong, BBS

The Hon Tommy CHEUNG Yu-yan, JP

The Hon Michael MAK Kwok-fung

The Hon Albert CHAN Wai-yip

The Hon LEUNG Fu-wah, MH, JP

Dr the Hon LO Wing-lok

The Hon WONG Sing-chi

The Hon Frederick FUNG Kin-kee

The Hon IP Kwok-him, JP

The Hon LAU Ping-cheung

The Hon Audrey EU Yuet-mee, SC, JP

Member absent:

The Hon David CHU Yu-lin

Public officers attending:

The Honourable Mrs Anson CHAN, GBM, JP
The Chief Secretary for Administration

The Honourable Donald TSANG Yam-kuen, JP
The Financial Secretary

The Honourable Elsie LEUNG Oi-sie, JP
The Secretary for Justice

Mr Nicholas NG Wing-fui, JP
Secretary for Transport

Mr Dominic WONG Shing-wah, GBS, JP
Secretary for Housing

Miss Denise YUE Chung-yee, JP
Secretary for the Treasury

Mr Stephen IP Shu-kwan, JP
Secretary for Financial Services

Dr YEOH Eng-kiong, JP
Secretary for Health and Welfare

Mr LEE Shing-see, JP
Secretary for Works

Mrs Carrie YAU TSANG Ka-lai, JP
Secretary for Information Technology and Broadcasting

Mrs Fanny LAW FAN Chiu-fun, JP
Secretary for Education and Manpower

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) Order 2001 (gazetted on 16.2.2001)	43/2001
2. Declaration of Markets Notice (Amendment) Declaration 2001 (gazetted on 16.2.2001)	44/2001
3. Broadcasting Ordinance (48 of 2000) (Commencement) Notice 2001 (gazetted on 16.2.2001)	45/2001
4. Intellectual Property (Miscellaneous Amendments) Ordinance 2000 (64 of 2000) (Commencement) Notice 2001 (gazetted on 16.2.2001)	46/2001

Questions

1. Hon NG Leung-sing asked Question 1.

The Secretary for Works replied.

11 Members asked supplementaries and the Secretary for Works replied.

2. Hon LAU Kong-wah asked Question 2.

The Secretary for Transport replied.

Ten Members asked supplementaries and the Secretary for Transport replied.

3. Hon Kenneth TING asked Question 3.

The Secretary for Education and Manpower replied.

Five Members asked supplementaries and the Secretary for Education and Manpower replied.

4. Hon Emily LAU asked Question 4.

The Secretary for Information Technology and Broadcasting replied.

Seven Members asked supplementaries. The Secretary for Information Technology and Broadcasting and the Secretary for Health and Welfare replied.

5. Hon Fred LI asked Question 5.

The Secretary for Housing replied.

Three Members asked supplementaries and the Secretary for Housing replied.

As the Secretary for Education and Manpower, who was to answer the following question, was not in the Chamber, the President suspended the meeting at 3:54 pm.

The Council resumed at 3:58 pm.

6. Hon LEUNG Fu-wah asked Question 6.

The Secretary for Education and Manpower replied.

Six Members asked supplementaries and the Secretary for Education and Manpower replied.

Written replies to Questions 7 to 20 were tabled for Members' information.

Motions

Proposed resolution under the Pharmacy and Poisons Ordinance

The Secretary for Health and Welfare moved the following motion and addressed the Council:

Resolved that the following Regulations, made by the Pharmacy and Poisons Board on 29 January 2001, be approved -

- (a) the Pharmacy and Poisons (Amendment) Regulation 2001; and
- (b) the Poisons List (Amendment) Regulation 2001.

Question on the motion proposed, put and agreed to.

Members' Motions

Proposed resolutions under the Interpretation and General Clauses Ordinance

The President stated that Hon LAU Chin-shek and Hon James TIEN had separately given notice to move the following four motions under the Interpretation and General Clauses Ordinance. As the motions proposed by Hon LAU Chin-shek and Hon James TIEN were identical, in accordance with the Rules of Procedure, she would only invite Hon LAU Chin-shek, who had given notice earlier, to move the motions.

1. Clubs (Safety of Premises) (Fees) (Amendment) Regulation 2001

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Clubs (Safety of Premises) (Fees) (Amendment) Regulation 2001, published as Legal Notice No. 13 of 2001 and laid on the table of the Legislative Council on 17 January 2001, be amended by repealing section 2(a), (b), (c), (d), (e), (f), (g) and (h).

Question on the motion proposed.

Hon James TIEN spoke on the motion.

Hon CHAN Kam-lam, Chairman of the Subcommittee formed to study the subsidiary legislation relating to the revision of fees and charges gazetted on 12 January 2001, spoke on the motion.

Two other Members and the Secretary for the Treasury spoke on the motion.

Question on the motion put.

Hon LAU Chin-shek claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 22 were present, 12 were in favour of the motion and ten against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, six were in favour of the motion and 17 against it. (Voting record in Appendix I.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the motion was negatived.

2. Builders' Lifts and Tower Working Platforms (Safety) (Fees) (Amendment) Regulation 2001

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Builders' Lifts and Tower Working Platforms (Safety) (Fees) (Amendment) Regulation 2001, published as Legal Notice No. 14 of 2001 and laid on the table of the Legislative Council on 17 January 2001, be repealed.

Question on the motion proposed, put and negatived.

3. Fire Service (Installation Contractors) (Amendment) Regulation 2001

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Fire Service (Installation Contractors) (Amendment) Regulation 2001, published as Legal Notice No. 15 of 2001 and laid on the table of the Legislative Council on 17 January 2001, be repealed.

Question on the motion proposed, put and negatived.

4. Timber Stores (Amendment) Regulation 2001

Hon LAU Chin-shek moved the following motion and addressed the Council:

Resolved that the Timber Stores (Amendment) Regulation 2001, published as Legal Notice No. 16 of 2001 and laid on the table of the Legislative Council on 17 January 2001, be repealed.

Question on the motion proposed, put and negatived.

Conditions of employment offered by subvented organizations and contractors of government projects or services

Hon LEE Cheuk-yan moved the following motion and addressed the Council:

That this Council urges the Government to require that the conditions of employment offered by subvented organizations and contractors of government projects or services to their staff should comply with the minimum standards of employment, including minimum wages and upper limits on working hours.

Question on Hon LEE Cheuk-yan's motion proposed.

The President stated that Hon YEUNG Yiu-chung would move an amendment to the motion. In accordance with the Rules of Procedure, the motion and the amendment would be debated together in a joint debate.

Hon YEUNG Yiu-chung moved the following amendment to Hon LEE Cheuk-yan's motion and addressed the Council:

To delete "minimum" from "minimum wages" and substitute with "reasonable"; to delete "upper limits on"; and to add ", provision of rest days, paid leave and termination benefits, etc., so as to enable the staff to enjoy the full employment protection and benefits conferred by legislation; at the same time, the Government should explore ways of ensuring that the remuneration and benefits for the staff concerned will not be subject to unreasonable exploitation" after "working hours".

Question on Hon YEUNG Yiu-chung's amendment to Hon LEE Cheuk-yan's motion proposed.

Two Members spoke on the motion and the amendment.

At 5:30 pm, the President's Deputy took the chair during the temporary absence of the President.

Another 12 Members spoke on the motion and the amendment.

At 6:30 pm, the President resumed the chair.

One further Member spoke on the motion and the amendment.

Hon LEE Cheuk-yan spoke on the amendment.

The Secretary for Education and Manpower spoke on the motion and the amendment.

Question on Hon YEUNG Yiu-chung's amendment to Hon LEE Cheuk-yan's motion put.

Hon YEUNG Yiu-chung claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 26 were present, 15 were in favour of the amendment, nine against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 22 were in favour of the amendment, two against it and one abstained. (Voting record in Appendix II.) Since the question was agreed by a majority of each of the two

groups of Members present, she declared that the amendment was agreed.

Hon LEE Cheuk-yan replied.

Question on Hon LEE Cheuk-yan's motion as amended by Hon YEUNG Yiu-chung put.

Hon James TIEN claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 29 were present, 17 were in favour of the amended motion, ten against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 24 were in favour of the amended motion and one abstained. (Voting record in Appendix III.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amended motion was carried.

Negative assets

Hon Howard YOUNG moved the following motion and addressed the Council:

That, as the local property market is still beset by the problem of negative assets, which not only undermines local people's desire for consumption and investment and puts pressure on the stability of the financial market, but also adversely affects the overall economy of Hong Kong, thereby causing plights among many middle-class people, small and medium enterprises and people with negative assets, this Council urges the Government to expeditiously adopt effective measures to improve the situation, including:

- (a) reviewing the housing policy, including examining the value of the existence of and the function of the Home Ownership Scheme, and whether they contradict the original intention of establishing the Scheme;
- (b) urging the Hong Kong Monetary Authority to encourage banks to adopt a tolerant mortgage policy towards people with negative assets, such as allowing a grace period for recovering from them the differences between the amounts of the mortgage loans and the market prices of the flats, offering them low-interest loans for repaying such differences, and adopting the temporary arrangement of allowing them to repay the principal, but not the interest, of the loans; and

- (c) urging the Hong Kong Monetary Authority to encourage banks to adopt the same mortgage policy for both new and second-hand property.

Question on Hon Howard YOUNG's motion proposed.

The President stated that Hon Frederick FUNG, Hon Albert HO and Hon CHAN Kam-lam would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the three amendments would be debated together in a joint debate.

Hon Frederick FUNG, Hon Albert HO and Hon CHAN Kam-lam spoke respectively on the motion and their amendments.

22 Members spoke on the motion and the amendments.

Hon Howard YOUNG spoke on the amendments.

The Secretary for Housing and the Secretary for Financial Services spoke on the motion and the amendments.

Hon Frederick FUNG moved the following amendment to Hon Howard YOUNG's motion:

To add "formulate a clear and stable housing policy, maintain the role of the Home Ownership Scheme in assisting people who cannot afford private property in acquiring their own flats, and" after "this Council urges the Government to"; to delete "(a) reviewing the housing policy, including examining the value of the existence of and the function of the Home Ownership Scheme, and whether they contradict the original intention of establishing the Scheme"; to delete "(b)" and substitute with "(a)"; and to delete "(c)" and substitute with "(b)".

Question on Hon Frederick FUNG's amendment to Hon Howard YOUNG's motion proposed and put.

Hon Frederick FUNG claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 29 were present, four were in favour of the amendment, 21 against it and four abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, seven were in favour of the amendment, six against it and ten abstained. (Voting record in Appendix IV.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

Hon Mrs Selina CHOW rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions to be moved to the motion on Negative assets at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the President may order that the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Hon Albert HO moved the following amendment to Hon Howard YOUNG's motion:

To delete "the housing" after "(a) reviewing" and substitute with "Hong Kong's overall"; to delete ", including examining the value of the existence of and the function of the Home Ownership Scheme, and whether they contradict the original intention of establishing the Scheme" and substitute with "and, providing appropriate assistance to people with negative assets and, at the same time, formulating a clear and stable housing policy, honouring its pledge to build not less than 50,000 public housing units each year primarily for renting out, and affirming the importance of the Home Ownership Scheme in assisting people who cannot afford private property to acquire their own flats;"; to delete "mortgage" after "to adopt a tolerant"; to delete "offering them low-interest loans for repaying such differences, and adopting the temporary arrangement of allowing them to repay the principal, but not the interest, of the loans" and substitute with "offering to those households who repay their mortgage loans regularly an interest rate close to the level for new property, extending the period of repayment and, as a temporary measure, allowing them to repay the interest, but not the principal, of the loans"; and to delete "the same mortgage policy" and substitute with "similar mortgage policies".

Question on Hon Albert HO's amendment to Hon Howard YOUNG's motion proposed and put.

Hon Albert HO claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 29 were present, 17 were in favour of the amendment and 12 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, 17 were in favour of the amendment and six against it. (Voting record in Appendix V.) Since the question was agreed by a

majority of each of the two groups of Members present, she declared that the amendment was agreed.

The President stated that Hon CHAN Kam-lam had indicated that he would withdraw his proposed amendment if Hon Albert HO's amendment to Hon Howard YOUNG's motion was agreed. Since this was the case, Hon CHAN Kam-lam had therefore withdrawn his proposed amendment to Hon Howard YOUNG's motion.

Hon Howard YOUNG replied.

Question on Hon Howard YOUNG's motion as amended by Hon Albert HO put.

Hon Albert HO claimed a division. The President then ordered the Council to divide under Rule 49(5) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 29 were present, 18 were in favour of the amended motion and 11 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 25 were present, 20 were in favour of the amended motion and four against it. (Voting record in Appendix VI.) Since the question was agreed by a majority of each of the two groups of Members present, she declared that the amended motion was carried.

Next Meeting

The President declared that the next meeting of the Council would be held on 28 February 2001 at 2:30 pm.

The Council was adjourned at 10:32 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong